

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	
)	
Plaintiff,)	
)	CR-09-1002-04-PHX-MHM
v.)	
)	FINDINGS AND
Cristian Barron-Gonzalez,)	RECOMMENDATION OF THE
)	MAGISTRATE JUDGE UPON A
Defendant.)	PLEA OF GUILTY AND ORDER

TO: THE HONORABLE MARY H. MURGUIA, UNITED STATES DISTRICT JUDGE.

Upon Defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came on for hearing before U.S. Magistrate Judge Lawrence O. Anderson on September 24, 2010 with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States of America.

In consideration of that hearing and the statements made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant,

(A) I FIND as follows:

(1) that Defendant understands the nature of the charge against him to which the plea is offered and the elements of the offense to which he is pleading guilty;

(2) that Defendant understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

1 (3) that Defendant understands what the maximum possible sentence is,
2 including the effect of the supervised release term, and Defendant understands that the
3 sentencing guidelines are advisory only and that the Court may depart from those
4 guidelines under some circumstances;

5 (4) that the plea of guilty by the Defendant has been knowingly and
6 voluntarily made and is not the result of force or threats or of promises apart from the plea
7 agreement between the parties;

8 (5) that Defendant is competent to plead guilty;

9 (6) that the Defendant understands that his answers may later be used against
10 him in a prosecution for perjury or false statement;

11 (7) that the Defendant understands that by pleading guilty he waives the right
12 to a jury trial.

13 (8) The Defendant understands the terms of any plea agreement provision
14 waiving the right to appeal or to collaterally attack the sentence and has knowingly,
15 intentionally and voluntarily waived those rights; and

16 (9) that there is a factual basis for the Defendant's plea; and further,

17 (B) **I RECOMMEND** that the plea of Guilty to a lesser-included offense of
18 Count One of the Indictment be accepted subject to the Court's acceptance of the plea
19 agreement which shall remain lodged with the Court pending Judge Murguia's decision
20 whether to accept or reject the plea agreement after review of the presentence report.

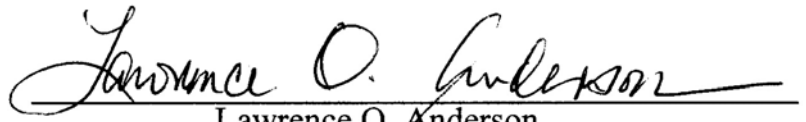
21 **ORDER**

22 **IT IS ORDERED** that any objection to the guilty plea proceedings and any
23 request(s) for supplementation of those proceedings be made by the parties in writing and
24 shall be specific as to the objection(s) or request(s) made. All objections or requests for
25 supplementation shall be filed within fourteen (14) days of the date of service of a copy of
26 these findings unless extended by an Order of the assigned district judge.

1 **IT IS FURTHER ORDERED** that all character letters Defendant or his
2 attorney would like the sentencing judge to read and consider before pronouncing sentence
3 (including the translation of any documents from Spanish to English) must be submitted in
4 paper form with the original to the probation office and copies to the sentencing judge and
5 opposing counsel no later than seven (7) business days prior to the sentencing date or they
6 may be deemed untimely by the sentencing judge and not considered by him/her. (ECF
7 Manual, II § O at 24)

8 **IT IS FURTHER ORDERED** that any motions for upward departure,
9 downward departure and sentencing memoranda must be filed, at least, seven (7) business
10 days prior to the sentencing date. Responses are due three (3) business days prior to the
11 sentencing date. Any motion to continue sentencing must be filed promptly upon
12 discovery of the cause for continuance and must state the cause with specificity. Motions
13 to continue sentencing filed less than fourteen (14) days before sentencing are disfavored

14 DATED this 24th day of September, 2010.

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17 Lawrence O. Anderson
18 United States Magistrate Judge
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